THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.36269 OF 1998

DATED: 07-09-2007

Between :

1. Penugonda Narasimha Rao … Petitioner

And

1. The Divisional Forest Officer, Eluru, W.G. District., and 2 others. … Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.36269 OF 1998

ORDER :

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not permitting the petitioners to convert their own lands situated in Sy.Nos.51/2B, 51/5, 51/7 and 53 of Tokalapudi Village, Veeravasaram Mandal, West Godavari District into fish tanks as arbitrary and illegal.

It is pleaded that the petitioners are the absolute owners of small extents of land situated in Sy.Nos.51/2B, 51/5, 51/7 and 53 of Tokalapudi Village, Veeravasaram Mandal, West Godavari District and the same do not fall in the area notified under the Wild Life Protection Act and it does not form part of the Coastal Regulation Zone. As such it is claimed that they are entitled to convert their lands into fish tanks since they are not fit for cultivation.

This Court while directing Rule Nisi, by order dated 30-12-1998 granted interim order not to interfere with the right of the petitioners to dig fish tank in the lands in question.

In the counter-affidavit filed on behalf of the respondents, it is stated that the petitioners have resorted to digging fish tanks without obtaining the prior permission from the Collector, West Godavari District and also from the Irrigation Department. In the circumstances, the neighbouring ryots made a complaint and requested the 3rd respondent – Mandal Revenue Officer to take appropriate action restraining the petitioners from unauthorized digging of the fish tanks. Accordingly, the 3rd respondent inspected

the land on 29-6-1998 and instructed the petitioners not to resort to unauthorized conversion of agricultural lands into prawn tanks. The said action of the respondents is in accordance with law as well as the orders passed by the Supreme Court in S. JAGANNATH v. UNION OF INDIA[1] and the Division Bench of this Court in MADIREDDY PADMA RAMBABU v. DISTRICT FOREST OFFICER, KAKINADA[2].

The Controversy raised in this writ petition is squarely covered by the ratio laid down by a Division Bench of this Court in MADIREDDY PADMA RAMBABU'S case (2 supra). The Division Bench in the said case, held that the directions issued by the Apex Court in S. JAGANNATH'S case (1 supra) are applicable even to the agriculturists carrying on aqua culture in their own agricultural lands.

Accordingly, following the decision of the Division Bench in MADIREDDY PADMA RAMBABU'S case (2 supra), the Writ Petition is disposed of with a direction to the respondents to take appropriate steps in accordance with the judgment of the Supreme Court in S. JAGANNATH'S case (1 supra). No costs.

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G. ROHINI, J.

Dt. 07-09-2007

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[1] AIR 1997 SC 811

[2] 2002 (1) ALD 728 (DB)